



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 20 1985

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Re: CIA Comments on H.R. 1348, a bill to
prohibit government involvement in
assassinations

The Justice Department has received the draft comments of the Central Intelligence Agency, dated April 5, 1985, on H.R. 1348, a bill intended to prohibit United States Government involvement in assassinations. We agree with CIA's opposition to this bill, as we have already stated, and with three exceptions, have no objection to the CIA's letter.

In two places, the draft CIA letter contains qualifications limiting its scope to the CIA. In the first sentence of the second paragraph appears the phrase "insofar as the CIA is concerned." The very last sentence states that the agency defers to Congress on the need for this statute to cover the actions of federal employees not part of the Intelligence Community. We believe these qualifiers are unnecessary and troubling. As the second paragraph of the letter correctly points out, Executive Order 12333 prohibits all employees of the United States Government from participating in assassinations. If this prohibition makes H.R. 1348 unnecessary for the Intelligence Community, then it is equally unnecessary for the rest of the United States Government. We see no reason to invite Congress to enact this flawed bill for any employee of the United States Government, not just employees of the Intelligence Community.

The second paragraph of the letter states that "to our knowledge [the ban on assassinations] has not been violated." While we understand the agency's desire to be cautious, we think it unwise to leave even the slightest doubt that the ban has been observed. Since there is no information to suggest that the ban has been violated, we suggest the sentence be amended to read "... and this provision has not been violated."

Sincerely,

(Signed) Phillip D. Brady

Philip D. Brady
Acting Assistant Attorney General